

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.:	2771-546-CIP2
)		
Applicants:)	Conf. No.:	2238
Application No.:)	Art Unit:	2856
Date Filed:)	Examiner:	Jacques M. Saint-Surin
)		
Title:)	Customer No.:	
APPARATUS AND PROCESS)		
FOR SENSING FLUORO)		
SPECIES IN)		
SEMICONDUCTOR)		
PROCESSING SYSTEMS)		
)		

23448

CERTIFICATE OF EFS FILING

I hereby certify that this document is being filed via EFS
in the United States Patent and Trademark Office on **August 15, 2008**.
/vincent k. gustafson/

**SUBMISSION OF REQUEST FOR CONTINUED EXAMINATION (RCE)
RESPONSIVE TO AUGUST 13, 2008 ADVISORY ACTION; AND
REQUEST FOR REFUND OF RCE FEE DUE TO THE UNREASONABLE REFUSAL
TO ENTER APPLICANTS' RESPONSE FILED ON JULY 16, 2008
IN U.S. PATENT APPLICATION NO. 10/784,750**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Advisory Action issued on August 13, 2008 in the above-identified U.S. patent application, enclosed and submitted herewith is a Request for Continued Examination Transmittal (Form PTO/SB/30). Payment of the \$ 810.00 fee (large entity) specified in 37 CFR 1.17(e) for such Request is being made herewith via credit card using EFS.

The examiner's failure to enter the Response to Final Office Action filed on July 16, 2008 was unreasonable, in that the minor clarifying amendment to claim 41 (identified by the examiner as providing the basis for non-entry of the July 16, 2008 Response) cannot reasonably require additional search or consideration. The requested amendment to claim 41 is reproduced below:

41. A gas sensor assembly comprising a nickel-containing gas-sensing filament, wherein the gas-sensing filament has having a porous surface

The reasonable interpretation of prior claim 41 is that the phrase "having a porous surface" applied to the "gas-sensing filament." In the May 15, 2008 Office Action, the examiner misapplied a reference embodying a porous sintered ceramic covering over electrodes in rejecting claim 41. The minor amendment to claim 41 made in Applicants' July 16, 2008 Response merely clarified the original spirit and intent of claim 41, which is that the gas-sensing filament has a porous surface.

To minimize prosecution delay, a Request for Continued Examination is enclosed herewith. In view of the unreasonable failure by the examiner to enter Applicants' Response filed on July 16, 2008, however, Applicants hereby request that the Commissioner recognize that the examiner's non-entry of the July 16, 2008 Response was unreasonable, and Applicants further request a refund of the \$810.00 fee accompanying the Request for Continued Examination by applying a credit in such amount to USPTO Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

Respectfully submitted,

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Enclosure:

Request for Continued Examination Transmittal (Form PTO/SB/30) [1 page]

<p>The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284</p>
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